IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12142 of 2004

Between:

Golu Naik S/o Lakya, Fair Price Shop Dealer (Under suspension), R/o Donbanda Thanda, Mattampalli Mandal, Nalgonda District A.P.,

..... PETITIONER

AND

1 The Joint Collector (C.S) Nalgonda District, Nalgonda A.P.,
2 The Revenue Divisional Officer, Miryalaguda, Nalgonda District

A.P.,
3 The Mandal Revenue Officer, Mattampally Mandal, Nalgonda

District, A.P.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus, to declare the impugned proceedings dt 23-02-2004 vide No. E2/797/2004 on the file of the 2nd respondent as illegal, arbitrary, unjust and consequently set a side the same by restoring the authorization of the petitioner herein

Counsel for the Petitioner: MR.P.NAGESWARA RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following O R D E R:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not passing stay orders pending disposal of the appeal which was filed by him against the order of the second respondent, dated 23-02-2004, under which the authorization of the petitioner as a fair price shop dealer was suspended, pending enquiry.

According to the petitioner, the second respondent passed the impugned order of suspension against him without properly conducting enquiry except on the report of Mandal Revenue Officer, basing on the complaint of the cardholders. When there is no proper enquiry by the second respondent, the suspension order passed by the second respondent is not proper and just. Apart from that though the suspension order was passed on 23-02-2004, so far, the second respondent, did not even issue notice and completed the enquiry, sought to be conducted. The petitioner also claims that though an appeal was filed by him before the first respondent and sought for stay of the suspension order passed by the second respondent, the first respondent did not pass any orders except calling for the records and remarks from the second respondent by proceedings dated 03-06-2004. Under the above circumstances, the petitioner sought for stay of the order of suspension passed by the second respondent.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

In view of failure of the second respondent in completing the enquiry within a period of three months from the date of the order of suspension as per the orders of this

Court, it would be appropriate to suspend the order of suspension. Even when the petitioner approached the first respondent-appellate authority, the first respondent also did not pass any orders on the stay petition.

Under the above circumstances, the impugned order of suspension passed by the second respondent against the petitioner is suspended, pending disposal of the appeal by the first respondent. The first respondent is directed to dispose of the appeal filed by the petitioner expeditiously, preferably, within a period of two months from the date of receipt of a copy of this order. In view of the suspension of the order passed by the second respondent, the respondents are further directed to allow the petitioner to act as authorized dealer for distribution of essential commodities.

The writ petition is accordingly disposed of.

_____

15-07-2004

vrn

To

1 The Joint Collector (C.S) Nalgonda District, Nalgonda A.P.,
2 The Revenue Divisional Officer, Miryalaguda, Nalgonda District

A.P.,
3 The Mandal Revenue Officer, Mattampally Mandal, Nalgonda

District, A.P.,

4 Two C.Cs to the Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad (OUT)

5 Two C.D copies.